

CHARTER
Town Manager-Town Council



Home Rule Petition Signed by
Lt. Governor Timothy Murray March 9, 2009
Approved at Annual Town Election by Voters April 7, 2009

TABLE OF CONTENTS

ARTICLE 1 INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS	1
Section 1-1 Incorporation	1
Section 1-2 Short Title	1
Section 1-3 Division of Powers	1
Section 1-4 Powers of the Town	1
Section 1-5 Interpretation of Powers	1
Section 1-6 Classification	1
Section 1-7 Intergovernmental Relations	2
ARTICLE 2 LEGISLATIVE BRANCH	2
Section 2-1 Composition, Term of Office	2
Section 2-2 Council President	2
Section 2-3 Conflict of Interest	3
Section 2-4 Compensation, Expenses	3
Section 2-5 General Powers	4
Section 2-6 Exercise Of Powers; Quorum; Rules	4
Section 2-7 Access to Information	5
Section 2-8 Officers Appointed by the Council or Council President	5
Section 2-9 Ordinances and Other Measures	6
Section 2-10 Filling of Vacancies	7
ARTICLE 3 TOWN MANAGER	9
Section 3-1 Appointment, Term of Office, Qualifications	9
Section 3-2 Powers and Duties	9
Section 3-3 Compensation	12
Section 3-4 Removal	12
Section 3-5 Acting Town Manager	13
Section 3-6 Evaluation of Town Manager	13
ARTICLE 4 OTHER ELECTED OFFICES	13
Section 4-1 School Committee	13
Section 4-2 Trustees of The Stetson Fund	14
ARTICLE 5 FINANCIAL PROCEDURES	15
Section 5-1 Budget Hearing and Goal Setting	15
Section 5-2 Submission of Budget, Message	15
Section 5-3 Action on The Budget	16
Section 5-4 Independent Audit	17
Section 5-5 Capital Outlay Program	17

ARTICLE 6	ADMINISTRATIVE ORGANIZATION.....	17
Section 6-1	Reorganization Plans by Ordinance.....	17
Section 6-2	Reorganization Plans By Administrative Code.....	18
Section 6-3	Publication of Reorganization Plans	18
ARTICLE 7	NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM.....	18
Section 7-1	Town Elections; General.....	18
Section 7-2	Non-Partisan Elections	19
Section 7-3	Signature Requirements	19
Section 7-4	Districts	19
Section 7-5	Application of General Laws	19
Section 7-6	Petitions To Council Or School Committee.....	19
Section 7-7	Citizen Initiative Measures	20
Section 7-8	Citizen Referendum Procedures.....	22
Section 7-9	Ineligible Measures	23
Section 7-10	Submission of Other Matters to Voters	23
Section 7-11	Conflicting Provisions.....	23
Section 7-12	Recall of Elected Officials	24
ARTICLE 8	GENERAL PROVISIONS	26
Section 8-1	Charter Changes	26
Section 8-2	Severability	26
Section 8-3	Specific Provision to Prevail.....	26
Section 8-4	Rules and Regulations.....	26
Section 8-5	Review of Ordinances.....	27
Section 8-6	Uniform Procedures Applicable to Multiple Member Bodies	27
Section 8-7	Number and Gender.....	28
Section 8-8	References to General Laws	28
Section 8-9	Certificate of Election or Appointment.....	28
Section 8-10	Notice of Vacancies	28
Section 8-11	Definitions	29
ARTICLE 9	TRANSITIONAL PROVISIONS.....	30
Section 9-1	Continuation of Existing Laws	30
Section 9-2	Existing Officials and Employees.....	30
Section 9-3	Continuation of Government	30
Section 9-4	Transfer of Records and Property.....	30
Section 9-5	Continuation of Personnel.....	31
Section 9-6	Incumbent Office Holders	31
Section 9-7	Effect On Obligations, Taxes, Etc.	31
Section 9-8	Time of Taking Effect.....	31
Section 9-9	Town Manager Transition Selection Process.....	32

TOWN MANAGER – TOWN COUNCIL CHARTER

ARTICLE 1

INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS

Section 1-1 Incorporation

The inhabitants of the town of Randolph, within its territorial limits as now or may hereafter be established by the laws of the commonwealth, shall continue to be a body politic and corporate, known as the "town of Randolph."

Section 1-2 Short Title

This instrument may be cited and shall be known as the Randolph Charter.

Section 1-3 Division of Powers

All legislative powers of the town shall be exercised by a town council hereafter established. The administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch headed by the town manager.

Section 1-4 Powers of the Town

The intent and purpose of this charter is to secure for the voters of the town of Randolph, through the adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein.

Section 1-5 Interpretation of Powers

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power is not intended to limit in any way the general powers of the town as provided in section 1-4.

Section 1-6 Classification

For the purposes of classifying Randolph in those instances in which the laws of the commonwealth may distinguish between municipalities classified as "towns" and other municipalities classified as "cities," it is intended that this charter shall be construed as providing a city form of government.

Section 1-7 Intergovernmental Relations

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

**ARTICLE 2
LEGISLATIVE BRANCH**

Section 2-1 Composition, Term of Office

(a) Composition - There shall be a town council consisting of 9 members which shall exercise the legislative powers of the town. Five of these members, to be known as councillors-at-large, shall be nominated and elected by and from the voters-at-large. Four of these members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, 1 such district councillor to be elected from each of the 4 council districts into which the town is divided, in accordance with section 7- 4.

(b) Term of Office - The terms of town councillors shall be for 2 years each and shall begin following such town councillors' election on the first day of January that does not fall on a weekend or holiday and shall continue until their successors are qualified.

(c) Eligibility - Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall, at the time of his election, be a voter of the district from which he is elected; provided, however, that if any such district councillor shall, during the term for which he was elected, remove to another district in the town, or be so removed by a revision of district lines, such councillor may continue to serve for the balance of the term for which he was elected. Councillors shall not serve as the chairman of any appointed board, committee or commission.

Section 2-2 Council President

(a) Election and Term - As soon as practical after the councillors-elect have been qualified following each biennial election, the members of the town council shall elect from among its members a council president who shall serve during the current term of office.

(b) Powers and Duties - The council president shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order. The council president shall appoint all members of all committees of the town council, whether special or standing. The council president shall have the same powers to vote upon all measures coming before the town council as any other member of the town council. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the town council. The council president shall be recognized as the official head of the town for all ceremonial purposes and shall be recognized by the courts for the purposes of serving civil process.

(c) Council Vice-President - The members of the town council shall also elect from among the council's members a council vice-president who shall serve as acting president during the temporary absence or disability of the council president during the current term of office. The powers of an acting council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary absence or disability and no others.

Section 2-3 Conflict of Interest

No person shall simultaneously hold more than 1 elective town office. Unless such service may otherwise be authorized by the charter, no member of the town council shall, while a member of the town council hold any other town office or employment for which a salary or other emolument is payable from the town treasury; but this restriction shall not apply to an office or position under the school committee. No councillor shall hold any compensated appointed town office or employment until 1 year following the date on which his council service has terminated. This provision shall not prevent a town officer or town employee who has taken a leave of absence from such office or employment from resuming the same office or employment following service as a member of the town council.

Section 2-4 Compensation, Expenses

(a) Salary - The town council shall serve without compensation.

(b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

Section 2-5 General Powers

Except as otherwise provided by general law or by this charter, all powers of the town shall be vested in the town council which shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the town by such law. The town may enter into contracts for the exercise of its corporate powers on such terms and conditions as are authorized by the town council by ordinance. The town council shall be the licensing authority of the town of Randolph and shall, as authorized by the laws of the commonwealth, have all the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and restrictions to such licenses as it deems to be in the public interest and to enforce all laws relating to such licensed businesses.

Section 2-6 Exercise Of Powers; Quorum; Rules

(a) Exercise of Powers - Except as otherwise provided by general law or by this charter, the legislative powers of the town council may be exercised in a manner determined by it.

(b) Quorum - The presence of 5 members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. Except as otherwise provided by the charter, the affirmative vote of 5 members shall be required to adopt any ordinance or appropriation order.

(c) Rules of Procedure - The town council shall, from time to time adopt rules regulating its procedures which shall be in addition to the following:

- i. Regular meetings of the town council shall be held at a time and place fixed by ordinance.
- ii. Special meetings of the town council shall be held at the call of the council president, or, on the call of any 3 or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. A copy of the notice to members shall, forthwith, be posted upon the town bulletin board.

- iii. All sessions of the town council and of every committee or subcommittee thereof, shall meet subject to sections 23A to 23C, inclusive and section 24 of chapter 39 of the General Laws.

Section 2-7 Access to Information

(a) In General - The town council may make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

(b) Town Officers, Members of Town Agencies, Employees - The town council may require any town officer, member of a town agency or town employee to appear before it to give such information as the town council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person.

(c) Town Manager -The town council may require the town manager to appear before it at any time to provide specific information on the conduct of any aspect of the business of the town which is within his control under this charter or under any law of the commonwealth.

The town manager may bring with him on any such occasion any assistant, department head or other town officer or employee to assist him in responding to questions which may be posed to him.

(d) Notice - Except in cases of emergency the town council shall give not less than 5 days notice in writing to any person it may request to appear before it under this section. The notice shall include specific questions on which the town council seeks information and no person called to appear before the town council under this section shall be required to respond to any question not relevant or related to those presented to him in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

Section 2-8 Officers Appointed by the Council or Council President

(a) The town council, by the affirmative vote of at least 5 members, shall appoint a town accountant, a town attorney and a board of registrars.

(b) Clerk of the Council - The council president shall appoint, subject to the approval of the town council, a clerk of the council, who may be the town clerk, to serve for a term of 3 years and until his successor is chosen and qualified. The clerk of the council shall give notice of council meetings to the members thereof and to the public, keep the journal of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the town council.

(c) Salaries -The officers appointed by the council president shall receive such salaries as may from time to time be provided for such office by ordinance.

Section 2-9 Ordinances and Other Measures

(a) Emergency Ordinances - No ordinance shall be passed finally on the date it is introduced, except in case of special emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of 6 members of the town council.

No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege of any kind or nature shall be passed as an emergency measure and except as provided in sections 70 and 71 of chapter 164 and in chapter 166 of the General Laws, no such grant, renewal or extension shall be made otherwise than by ordinance.

Emergency ordinances shall stand repealed on the sixty-first day following the adoption thereof, unless an earlier expiration date is specified in the emergency ordinance, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

(b) Measures, In General - Excepting only proposed ordinances, appropriation orders and loan authorizations, the town council may pass any other measure through all of its stages at any 1 meeting, unless a member of the town council objects; but, if a single member objects, a vote on the measure shall be postponed to the next meeting of the town council.

On the first occasion that the question of adopting any measure is put to the town council, except an emergency measure as defined in subsection (a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the town council regular or special meeting. If, when the matter is next taken up for a vote, 4 or more members object to the taking of the vote, the matter shall be further postponed for not less than an additional 5 days. This procedure shall not be used more than once for any measure, notwithstanding any amendment made to the original measure.

(c) Publication - Every proposed ordinance, appropriation order or loan authorization except emergency ordinances as provided in subsection (a), shall be published once in full in a local newspaper and in any additional manner as may be provided by ordinance, at least 5 days before its final passage. After final passage the proposed ordinance shall be posted on the town bulletin board and otherwise published as may be required by ordinance; provided, however, that whenever a proposed ordinance or codification of ordinances or other measure would exceed in length 10 column inches, in lieu of publication in a local newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form and if so published and available at least 10 days before its final passage shall be deemed sufficient notice. Whenever the town council provides for publication in a booklet or pamphlet form in lieu of the newspaper publication, it shall, at least 5 days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the public.

Section 2-10 Filling of Vacancies

(a) Councillor-at-Large - If a vacancy shall occur in the office of councillor-at-large during the first 18 months of the term for which councillors are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councillor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councillor-

at-large at the said election. The town clerk shall certify such candidate to the office of councillor-at-large to serve for the balance of the then unexpired term.

If a vacancy shall occur in the office of councillor-at-large during the last 6 months of the term for which councillors-at-large are elected, the vacancy shall be filled by the person who receives the highest number of votes for the office of councillor-at-large at the biennial town election and who is not then serving as a member of the town council. Such person shall forthwith be certified and shall serve for the last 2 months of the concluding term in addition to the term for which such person was elected.

(b) District - If a vacancy shall occur in the office of district councillor, the vacancy shall be filled in the same manner as provided in subsection (a) for the office of councillor-at-large except that the list shall be of the candidates for the office of district councillor in the district in which the vacancy occurs; provided, however, if there exists no candidate on such list who remains eligible and willing to serve the next highest ranking candidate from among the candidates for election as councillor at-large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election if such candidate remains a resident of the district, is willing to serve as a district councillor and received votes in the district at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of district councillor at said election. The town clerk shall certify such candidate to the office of district councillor to serve for the balance of the then unexpired term.

(c) Filling of Vacancies By Town Council - Whenever a vacancy shall occur in the office of councillor-at-large or in that of district councillor and there is no available candidate to fill such vacancy in the manner provided in subsections (a) or (b), the vacancy shall be filled by the remaining members of the town council. Persons elected to fill a vacancy by the town council shall serve only until the next regular election or, if so decided, a special election, at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term. Persons serving as town councillors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

ARTICLE 3

TOWN MANAGER

Section 3-1 Appointment, Term of Office, Qualifications

(a) Appointment, Term of Office - The town council, by the affirmative vote of at least two-thirds of the members, shall appoint a town manager to serve for a term of office of up to 5 years.

(b) Qualifications - The town manager shall be a person of proven administrative ability, specially qualified by education and training with at least 5 years full-time paid experience as a city or town manager, or an assistant city or town manager or the equivalent public or private sector level experience. The town council may, from time to time, establish such additional qualifications as seems necessary and appropriate.

The town manager shall devote his full time to the office and shall not hold any other public office, elected or appointed, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, by the town council.

The town council may, by ordinance, establish other qualifications for the office of town manager.

Section 3-2 Powers and Duties

The town manager shall be the chief administrative officer of the town and shall be responsible to the town council for the proper administration of all town affairs placed under his charge under the charter. The powers and duties of the town manager shall include, but are not intended to be limited to, the following:

He shall supervise, direct and be responsible for the efficient administration of all town activities placed under his control by the charter, by ordinance, or otherwise, including all officers appointed by him and their respective agencies.

He shall be responsible for the coordination of the activities of all agencies under his control with the activities of all other town agencies, including those elected by the voters of Randolph and those appointed by other elected officials.

Except as otherwise provided by this charter and subject to the civil service law and any collective bargaining agreements as may be applicable, the town manager

shall appoint, based upon merit and fitness alone, all department heads, officers, subordinates, employees and all appointed multiple member bodies for whom no other method of selection is provided in this charter except employees of the school department. Appointments made by the town manager shall become effective upon the approval of the council; provided, however, that such approval is received within 15 days of filing such notice of appointment. If the town council shall fail to act, appointments made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the town council. For the purpose of this section, notice of appointment shall be considered filed with the town council when such notice is filed at an open meeting of the town council. Department heads shall appoint all officers, subordinates and employees within their department subject to the approval of the town manager.

He shall administer all personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all municipal employees and administer all collective bargaining agreements, except for school department agreements, entered into by the town.

He shall be responsible for the negotiation of all union and non-union contracts with town employees over wages and other terms and conditions of employment, except employees of the school department. The town manager may, subject to the approval of the town council, employ special counsel to assist in the performance of these duties. Contracts shall be subject to the approval of the town council.

He shall be responsible for making sure that all of the provisions of the laws of the commonwealth, the town charter, town ordinances and other votes of the town council which require enforcement by him, or by officers or employees subject to his supervision, are faithfully carried out and enforced.

He shall prepare and submit an annual operating budget and a capital outlay program as provided in article 5.

He shall be responsible for making sure that a full and complete record of the financial and administrative activities of the town is kept and shall render a complete report to the town council at the end of each fiscal year and at such times as the town council may reasonably require.

He shall execute contracts, subject to such prior town council approval as may be prescribed by ordinance.

He shall have full jurisdiction over the rental and use of all town facilities, except school or library buildings and grounds and properties under the jurisdiction of the conservation commission pursuant to section 8C of chapter 40 of the General Laws. He shall be responsible for the maintenance and repair of all town-owned property, including school or library buildings and grounds but not including vacant land under the jurisdiction of the conservation commission pursuant to said section 8C of said chapter 40, if a town ordinance authorizing a central town maintenance department is created.

He may at any time inquire into the conduct of office of any officer, employee or department under his supervision.

He shall be responsible for ensuring that a full and complete inventory of all property owned by the town, both real and personal, is kept.

He shall keep the town council fully advised as to the financial condition of the town and of the administration of the town's affairs by filing written reports with the town council not less than quarterly throughout the year.

He shall, from time to time, as in his judgment the needs of the town require, make such recommendations to the town council for action to be taken by it as he may deem to be necessary or desirable.

He may authorize any subordinate officer or employee to exercise any power or perform any function which he is authorized to exercise or perform; provided, however, that all acts performed under any such delegation shall be deemed to be acts of the town manager.

He shall determine the existence of a public emergency or danger and shall assume responsibility for the maintenance of public safety, public order and enforcement of the laws of the commonwealth. The manager shall notify the council president as soon as practical, but within 24 hours, of such a public emergency or danger and of the actions taken. Should the public emergency continue more than 24 hours, the town council may meet to review, ratify or terminate such public emergency.

He shall execute all deeds conveying town real property; provided; however, that any such conveyance shall have been previously authorized by the vote of the town council pursuant to the applicable provisions of the laws of the commonwealth.

He shall publish an annual report comprised of the complete statistical record of the operations of every town department, commission and committee for the preceding year and such report shall be published annually and made available for distribution to the public not later than 4 months after the end of the period on which the report is based.

He shall perform such other functions as may, from time to time, be assigned to the office of town manager by ordinance or other vote of the town council, or otherwise.

Section 3-3 Compensation

The town manager shall receive compensation as may be established by the town council, from time to time, for the office of town manager.

Section 3-4 Removal

The person serving as town manager shall cease to be town manager upon expiration of his contract or term of office.

Earlier in time than the expiration described in the preceding sentence, the town council, by affirmative vote of a two-thirds majority of the full board may vote to terminate, remove or suspend the town manager from office in accordance with the following procedure.

Before the town manager may be removed, if he so demands, he shall be given a written statement of the reasons alleged for his removal and shall have a right to be heard thereon at a meeting of the town council prior to the final vote on the question of his removal, but pending and during such hearing the town council may suspend him from office. The action of the town council in suspending or removing the town manager shall be final, it being the intention of this section to vest all authority and to fix all responsibility for such suspension or removal in the town council. The town manager shall continue to receive his salary until the effective date of a final vote of removal. The town council may, by ordinance, establish a procedure governing the removal from office of a town manager in such detail as it may deem necessary or desirable.

No contract of employment for a town manager shall be inconsistent with this section.

Section 3-5 Acting Town Manager

(a) Temporary Absence - The town manager shall, by letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or administrative employee to exercise the powers and perform the duties of his office during a temporary absence. During the first 10 working days of a temporary absence of the town manager, the town council may revoke such designation by a two-thirds vote and, after the expiration of 10 working days, by a majority vote, whereupon it may appoint another qualified town officer or employee to serve as acting town manager until the town manager shall return and resume his duties.

(b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by the town council but pending such appointment, the town council shall designate a qualified town officer or administrative employee to exercise the powers and perform the duties of the town manager on an acting basis. The appointment of an acting town manager shall be for a term not to exceed 4 months; provided, however, 1 renewal, not to exceed a second 4 months, may be permitted.

(c) Powers and Duties - The powers of a temporary or acting town manager shall be limited to matters not admitting of delay; provided, however, that no temporary town manager acting under subsection (a) shall have authority to make any permanent appointment to, or removal from, any office or position under the town.

Section 3-6 Evaluation of Town Manager

There shall be an annual review of the town manager's job performance conducted by town council.

ARTICLE 4

OTHER ELECTED OFFICES

Section 4-1 School Committee

(a) Composition - There shall be a school committee of 7 members, 6 of whom shall be nominated and elected by and from the voters at large and the seventh member shall be the council president or a designee from the town council.

(b) Terms of Office - At each biennial election, 3 school committee members shall be elected at large and shall serve for a 4 year term. The terms of school committee members shall begin following their election on the first day of January that does not fall on a weekend or holiday and shall continue until their successors are qualified.

(c) Eligibility - Any voter shall be eligible to hold the office of school committee member.

(d) Powers and Duties - The school committee shall have general charge and superintendence of the public schools and for this purpose shall have all of the powers and duties which are given to school committees under the Constitution of the Commonwealth and laws of the commonwealth and such additional powers and duties as may be authorized by the charter, by-law or by the vote of the town council.

(e) Expenses - Subject to school department appropriation, members of the school committee shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

(f) Conflict of Interest - Unless such service may otherwise be authorized by the charter, no member of the school committee, including the council representative, shall hold any other office or position under the school committee for which a salary or other emolument is payable from the town treasury; provided, however, that if the council president shall hold such an office or position, the town council shall, by vote, designate another member of the town council not so ineligible to serve as school committee member in his place and all references in this section to the powers of the council president serving as school committee member shall apply to such person.

No person shall simultaneously hold more than 1 elective town office. No school committee member shall hold any compensated employment until 1 year following the date on which his service as a member of the school committee has terminated.

(g) Council Representative - The council president shall have the same power to vote on every matter coming before the school committee as any other member.

Section 4-2 Trustees of The Stetson Fund

(a) Term of Office - There shall be a 3-member board of trustees of the Stetson School Fund elected by the voters for a term of 4 years, so arranged that the term of 1

member shall expire at the first biannual election and the term of 2 members shall expire at the next biennial election and continuing thereafter.

(b) Powers and Duties – Except as provided in subsection (a), the trustees shall be governed in accordance with the document entitled “The Stetson Donation of a Town House and Fund for a high school to the Town of Randolph”, voted on February 18, 1843 and article 18 of the Special Town Meeting of November 13, 1996.

(c) The terms of Stetson Fund trustees shall begin following their election on the first day of January that does not fall on a weekend or holiday and shall continue until their successors are qualified.

ARTICLE 5

FINANCIAL PROCEDURES

Section 5-1 Budget Hearing and Goal Setting

The president of the town council shall call a meeting of the town council prior to the commencement of the budget process, but not later than November 30, to review the financial condition of the town, revenue and expenditure forecasts and other information relevant to the budget process. The president also shall invite representatives of the school committee and trustees of the Stetson Fund to attend this meeting. Subsequent to this meeting, the town council shall meet to set policy goals with input from the town manager and the community. Based on these goals, the town manager shall develop budgetary goals and the town budget.

Section 5-2 Submission of Budget, Message

The town manager shall, within 7 days after the receipt of departmental budget proposals, but in no event later than February first, prepare and submit to the town council a synopsis of all proposed budget initiatives and requests for additional funding for its review and prioritization. The synopsis shall include a summary of each initiative, its justification and the estimated costs therefore. Councillors may also propose budget initiatives for review and prioritization. Any such proposal shall include a summary, justification and estimate of costs. The town manager shall provide an estimate of projected revenues.

By the first regularly scheduled town council meeting in April, or a later date if approved by a vote of the town council, the town manager shall submit to the town

council a proposed operating budget for the ensuing fiscal year, which shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year, an accompanying budget message and supporting documents. The preliminary budget as adopted by the school committee shall be submitted to the town manager at least 90 days before the town manager's presentation of the budget to the council to enable the town manager to consider the effect of the school department's requested appropriation upon the total town budget.

The message of the town manager shall explain the proposed budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current fiscal year in terms of financial policies, expenditures or revenues, together with the reasons for such changes, summarize the town's debt position and include such other material as the town manager deems desirable or that the town council may reasonably require.

Section 5-3 Action on The Budget

(a) Public Hearing - The town council shall, within 7 days following its receipt of the proposed budget, publish in 1 or more local newspapers the general summary of the proposed budget as submitted by the town manager and a notice stating: (1) the times and places where complete copies of the proposed budget and supporting documents shall be available for examination by the public; and (2) the date, time and place, not less than 10 days after such publication, when the town council, or a standing committee of the town council, shall hold a public hearing on the proposed budget as submitted by the town manager.

(b) Adoption - The town council shall adopt the budget, with or without amendments, within 60 days following the day the proposed budget is received by it, or such other period as may be provided by general law. In amending the budget the town council may delete or decrease any programs or amounts, except expenditures required by the laws of the commonwealth or for debt service. If the town council fails to take any action with respect to any item in the proposed budget within 60 days following the date of its receipt of the proposed budget, or such other period as may be provided by general law, such amount shall, without any action by the town council, become a part

of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

Section 5-4 Independent Audit

Each year an outside audit of the books and accounts of the town shall be conducted. In the event that the commonwealth shall fail in any such period to provide for such an audit to be conducted, within 60 days following the date the town council makes a written request therefore, the town council shall provide for such an audit to be conducted by a certified public accountant, or firm of such accountants.

Section 5-5 Capital Outlay Program

(a) Submission - The town manager shall prepare and submit to the town council a 5-year capital outlay program at least 3 months prior to the final date for submission of a proposed annual operating budget.

(b) Contents - The capital outlay program in the form submitted shall include:

A clear general summary of its contents;

A listing of all capital expenditures which are proposed to be made during the 5 fiscal years next ensuing, with appropriate financial and other details concerning each such expenditure;

Cost estimates, proposed methods of financing and a time schedule for each such expenditure; and

The estimated annual cost of operating or maintaining any facilities to be acquired or constructed.

The information required by this subsection shall be revised and extended annually.

ARTICLE 6

ADMINISTRATIVE ORGANIZATION

Section 6-1 Reorganization Plans by Ordinance

Except as to types of reorganizations otherwise expressly prohibited by general law or by the charter, the town council may, by ordinance, reorganize, consolidate or abolish any existing town agency, in whole or in part, establish new town agencies and

prescribe the functions of any town agency. All town agencies under the direction and supervision of the town manager shall be headed and administered by officers appointed by the manager.

Section 6-2

Reorganization Plans By Administrative Code

(a) Submission - The town manager may, from time to time, prepare and submit to the town council reorganization plans which may, unless expressly prohibited by general law or this charter, reorganize, consolidate or abolish any existing town agency, in whole or in part, establish new town agencies and prescribe the functions of any town agency. Each such reorganization plan shall be accompanied by an explanatory message when submitted to the town council.

(b) Council Action - Every such reorganization plan shall, upon receipt by the town council, be referred to an appropriate standing committee of the town council for study and report. Within 30 days following its referral to a committee a public hearing shall be held concerning the proposal, either before the standing committee, or before the full town council. Within 14 days following the conclusion of the public hearing, the standing committee to which such matter was referred shall file a report stating either that it approves of the reorganization plan or that it disapproves of it. A reorganization plan shall become effective on the sixtieth day following the date of its receipt by the town council, unless a later date is specified in the reorganization plan, or unless the town council has within such period voted to disapprove of it. A reorganization plan submitted by the town manager under this section may not be amended by the town council but shall either be approved or disapproved in the form as submitted.

Section 6-3

Publication of Reorganization Plans

An up-to-date record of reorganization plans under section 6-2(b) shall be kept on file in the office of the town clerk and copies of all such plans shall be published as an appendix to any publication of the ordinances of the town.

ARTICLE 7

NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM

Section 7-1

Town Elections; General

The regular general town election shall be held on the first Tuesday following the first Monday in November in each odd numbered year.

Section 7-2 Non-Partisan Elections

All elections for town offices shall be non-partisan and election ballots shall be printed without any party mark, emblem or other designation whatsoever.

Section 7-3 Signature Requirements

The number of signatures of voters required to place the name of a candidate on the official ballot to be used at an election shall be as follows: for councillor-at-large, school committee member, or Stetson Fund trustee, not less than 50 such signatures, not more than 25 of which shall be from any 1 district; for the office of district councillor not less than 50 such signatures from the district from which the nomination is sought.

Section 7-4 Districts

The territory of the town shall be divided into 4 districts so established as to consist of compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of voters established in accordance with the general laws. The town council shall from time to time review such districts to insure their uniformity in number of inhabitants.

Section 7-5 Application of General Laws

Except as expressly provided in this charter and authorized by general law, all town elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes and the determination of results.

Section 7-6 Petitions To Council Or School Committee

The town council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by 150 voters, or more and which seeks the passage of a measure. The hearing shall be held by the town council or the school committee, or, in either case, by a committee or subcommittee thereof and the action by the town council or the school committee shall be taken not later than 3 months after the petition is filed with the clerk of the council or the

administrative assistant to the superintendent, as may be appropriate. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The clerk of the council or the administrative assistant to the superintendent shall mail notice of the hearing to the 10 persons whose names appear first on the petition at least 48 hours before the hearing. Notice, by publication, of all such hearings shall be at public expense.

Section 7-7 Citizen Initiative Measures

(a) Commencement - Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or the administrative assistant to the superintendent, as the case may be. The petition shall be addressed to the town council or to the school committee, shall contain a request for the passage of a particular measure, which shall be set forth in full in the petition and shall be signed by at least 5 per cent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on 1 paper, but all such papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.

Within 10 days following the filing of the petition, the board of registrars shall ascertain by what number of voters the petition has been signed and what percentage that number is of the total number of voters as of the date of the most recent town election. The board of registrars shall attach its certificate to the petition, which shall certify the signatures and addresses of those residents to the clerk of the council or the administrative assistant to the superintendent according to how the petition is addressed. A copy of its certificate shall also be mailed to the person designated upon such petition as having filed the same.

(b) Referral to Town Attorney - If the board of registrars determines that a petition has been signed by a sufficient number of voters, the clerk of the council or the administrative assistant to the superintendent, as the case may be, shall forthwith following receipt of such certificate deliver a copy of the petition to the town attorney. Within 15 days following the date a copy of the petition is delivered to him, the town attorney shall, in writing, advise the town council or the school committee, as may be

appropriate, whether the measure, as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the town council or by the school committee. If the opinion of the town attorney is that the measure is not in proper form, he shall state his reasons in full in his reply. A copy of the opinion of the town attorney shall also be mailed to the person designated on the petition as having filed the same.

(c) Action on Citizen Initiative Petitions - Within 30 days following the date a citizen initiative petition has been returned to the clerk of the council or to the administrative assistant to the superintendent by the town attorney as being lawful and after publication in accordance with section 2-9(c), the town council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of an initiative measure, or by rejecting it. The passage of a measure which is in lieu of the initiative measure shall be deemed to be a rejection of the initiative measure. If, at the expiration of such 30 days the town council or the school committee has not voted on such petition, no other business of said council or committee shall be in order or lawfully acted upon until a vote to approve of the measure, to disapprove of the measure, or to adopt some other measure in lieu thereof, has been taken.

(d) Supplementary Petitions - Within 45 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the clerk of the council or the administrative assistant to the superintendent. The supplemental initiative petition shall be signed by a number of additional voters which is equal to 5 per cent of the total number of voters as of the date of the most recent town election, which may include the signatures of voters who signed the original petition if they sign the supplemental petition, or other additional voters. If the number of signatures to such supplemental petition is found to be sufficient by the board of registrars, the town council shall call a special election to be held on a date fixed by it not less than 30 nor more than 45 days following the date of the certificate of the board of registrars that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other town election is to be held within 120 days following the date of said certificate, the town council may omit the calling of such special election

and cause such question to appear on the election ballot at such approaching election for determination by the voters.

(e) Publication - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than 7 nor more than 14 days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the board of registrars.

(f) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by voters in an initiative petition take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners and approved by the board of registrars.)

YES ____ NO ____

(g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than 20 per cent of the total number of voters of the town, as of the date of the most recent town election, participate at such election.

Section 7-8 Citizen Referendum Procedures

(a) Petition, Effect on Final Vote - If, within 20 days following the date on which the town council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to 5 per cent of the total number of voters as of the date of the most recent town election and addressed to the town council or to the school committee, as the case may be, against the measure or any part thereof is filed with the administrative assistant to the superintendent or clerk of the council, the effective date of such measure shall be temporarily suspended. The school committee or the town council shall forthwith reconsider its vote on such measure or part thereof and, if such measure is not rescinded the town council shall provide for the submission of the question for a determination by the voters either at a special election which it may

call at its convenience, or within such time as may be requested by the school committee, or at the next regular town election. Pending such submission and determination the effect of such measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply - The petition described in this section shall be termed a referendum petition and insofar as applicable, section 7-7 (a), (b), (e) and (f) shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections.

Section 7-9 Ineligible Measures

None of the following shall be subject to the initiative or the referendum procedures: (1) proceedings relating to the internal organization or operation of the town council or of the school committee; (2) an emergency measure adopted in conformity with the charter; (3) the town budget or the school committee budget as a whole; (4) revenue loan orders; (5) any appropriation for the payment of the town's debt or debt service; (6) an appropriation of funds to implement a collective bargaining agreement; (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action; (8) any proceedings repealing or rescinding a measure or part thereof which is already undergoing challenge by referendum procedures; and (9) any proceedings providing for the submission or referral of any measure to the voters at an election.

Section 7-10 Submission of Other Matters to Voters

The town council may, on its own motion and shall, at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular town election for adoption or rejection any measure in the same manner and with the same force and effect as is hereby provided for submission by petitions of voters.

Section 7-11 Conflicting Provisions

If 2 or more measures passed at the same election contain conflicting provisions, only the 1 receiving the greatest number of affirmative votes shall take effect.

Section 7-12**Recall of Elected Officials**

(a) Any holder of elective office may be recalled therefrom by the registered voters of the town of Randolph as provided in this charter.

(b) Any 500 registered voters of the town of Randolph may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall, within 5 days, certify thereon the number of signatures which are names of registered voters of the town. The town clerk shall, upon certification, deliver to the voters making the affidavit copies of petition blanks demanding such recall, copies of which shall be kept available. The blanks shall be issued by the town clerk with the clerk's signature and official seal attached thereto. They shall be dated, addressed to the town council and contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit and the demand for the election of a successor to said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 21 days after the certification of the affidavit and shall have been signed by at least 20 per cent of the registered voters of the town who shall add to their signatures the street and number, if any, of their residences. The town clerk shall, within 24 hours of receipt, submit the petition to the registrars of voters in the town and the registrars shall, within 14 days, certify thereon the number of signatures which are names of registered voters of the town.

For the recall of a district councillor, the above procedures shall apply, except that: all signatures shall be obtained from the affected district; 150 signatures shall be required on the initial affidavit; the recall petition shall be signed by at least 20 per cent of the registered voters of the district; and an election held for the recall of a district councillor shall be held only in the affected district.

(c) If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the town council without delay and said council shall, within 7 days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, order an election to be held on a date fixed by them not less than 60 nor more than 90 days after the date of the town clerk's certificate that a sufficient petition

has been filed; provided, however, that if any other town election is to occur within 100 days after date of certification, the town council shall postpone the holding of the recall election to the date of such other election.

If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(d) An officer sought to be removed may be a candidate to succeed himself and, unless the officer requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election and the conduct of the same, shall all be in accordance with the general laws relating to elections, unless otherwise provided in the charter.

(e) The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in subsection (g). If not re-elected in the recall election, the officer shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

(f) Ballots used in a recall election shall submit the following proposition in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition, there shall be a square in which the voter, by making a cross mark "X", may vote for either proposition. Under the proposition there shall appear the word "Candidates," the direction to voters required by section 42 of chapter 54 of the General Laws and beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted.

(g) No recall affidavit shall be filed against an officer within 6 months after he takes office, nor in the case of an officer subject to a recall election and recalled thereby, until at least 6 months after the election at which his recall was submitted to the voters.

ARTICLE 8

GENERAL PROVISIONS

Section 8-1 Charter Changes

(a) In General - This charter may be replaced, revised or amended in accordance with any procedure made available under the Constitution of the Commonwealth, or by general or special law.

(b) Periodic Review - The town council shall provide, in every year ending in a 0, for a review of the charter by the entire council and 6 additional persons to be appointed by the council president. The committee shall file a report within the year recommending any changes to the charter which it deems necessary or desirable, unless an extension is authorized by vote of the town council.

Section 8-2 Severability

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 8-3 Specific Provision to Prevail

To the extent that any specific provision of this charter may conflict with any other provision expressed in general terms, the specific provision shall prevail.

Section 8-4 Rules and Regulations

A copy of all rules and regulations adopted by town agencies shall be placed on file in the office of the town clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any town agency shall become effective until 5 days following the date it is so filed.

Section 8-5**Review of Ordinances**

(a) The town council shall provide, by appointment of a committee, or as it may determine, that in each year ending in 6 or 1, for a review of the ordinances of the town for the purpose of determining if any amendments or revisions thereto may be necessary or desirable. Such review shall be completed within the year and shall be conducted under the supervision of the town attorney or at the town council so directs by special counsel appointed for that purpose. The impact of any charter amendments, revisions and special acts of the legislature shall be examined to determine the effect on the town's ordinances.

Section 8-6**Uniform Procedures Applicable to Multiple Member Bodies**

(a) Meetings - All multiple-member bodies of the town shall meet regularly at such times and places as they may, by their own rules, prescribe, unless some other provision is made by ordinance or by-law. Special meetings of any multiple-member body shall be held subject to the call of the chair or by one-third of the members thereof, by written notice delivered in hand or to the place of residence of each member and which contains a list of the item or items to be acted upon. Except in case of an emergency, such notice shall be delivered at least 48 hours in advance of the time set for such meeting. A copy of such notice to members shall, forthwith, be posted upon the town bulletin board.

(b) Rules and Journals - Each multiple-member body shall determine its own rules and order of business unless another provision is made by ordinance or by-law and shall provide for the keeping of a journal of its proceedings. These rules and journals shall be a public record and certified copies shall be kept on file in the office of the town clerk and in the Turner Free Public Library.

(c) Voting - If requested by any member, any vote of any multiple-member body shall be taken by a call of the roll and the vote of each member shall be recorded in the journal; provided, however, that if the vote is unanimous only that fact need be recorded.

(d) Quorum - A majority of the members of a multiple-member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time.

Section 8-7 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular ; words imparting the masculine gender shall include the feminine gender.

Section 8-8 References to General Laws

All references to General Laws contained in the charter refer to the General Laws of the commonwealth and are intended to refer to and to include any amendments or revisions to such chapters or sections, or to the corresponding chapters and sections of any rearrangement, recodification or revision of such statutes enacted or adopted subsequent to the adoption of this charter.

Section 8-9 Certificate of Election or Appointment

Every person who is elected, including those elected by the town council, or appointed to an office of the town shall receive a certificate of such election or appointment from the town clerk. Except as otherwise provided by the laws of the commonwealth, before performing any act under an appointment or election, all elected or appointed persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties.

Section 8-10 Notice of Vacancies

Whenever a vacancy shall occur in any town office or in the employment of the town, or, when by reason of a retirement, resignation, expiration of a fixed term, or otherwise, a vacancy can be anticipated, the town manager or other appointing authority shall forthwith cause public notice of such vacancy or impending vacancy to be publicly posted on the town bulletin board and website for not less than 10 days. Each such notice shall contain a brief description of the duties of the office or position and shall indicate a list of necessary or desirable qualifications for the office or position. Any person who desires to be considered for an appointment to fill such vacancy may, within 10 days following the date the notice is posted, or such longer period as may be indicated in such announcement, file with the appointing authority a statement setting forth with reasonable clarity and specificity, the qualifications of such person for such appointment. No permanent appointment to fill any position shall be effective until at least 14 days have elapsed following such posting to permit the reasonable

consideration of all applicants. This section shall not apply to positions covered under the civil service law and rules or if in conflict with the provisions of a collective bargaining agreement.

Section 8-11 Definitions

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

- (a) "Charter", this charter and any amendment to it hereafter adopted.
- (b) "Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (c) "Local newspaper", a newspaper of general circulation within the town of Randolph, with either a weekly or daily circulation.
- (d) "Majority vote", a majority of those present and voting, unless another provision is made by ordinance, by-law or by its own rules.
- (e) "Measure", any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted, by the town council or the school committee.
- (f) "Multiple-member body", any board, commission, committee, sub committee, or other body consisting of 2 or more members whether elected, appointed or otherwise constituted, but not including the town council, the school committee or the Trustees of the Stetson Fund.
- (g) "Town", the town of Randolph.
- (h) "Town agency", any multiple-member body, any department, division or office of the town of Randolph.
- (i) "Town bulletin board", the bulletin board in the administration building on which the town clerk posts official notices of meetings and upon which other official town notices are posted and the bulletin boards at any other locations as may be designated town bulletin boards by the town council.

(j) "Town officer", a person having charge of an office or department of the town who in the exercise of his powers or duties exercises some portion of the sovereign power of the town, unless the term "town officer" is used with qualification or description.

(k) "Voters", registered voters of the town of Randolph.

ARTICLE 9 TRANSITIONAL PROVISIONS

Section 9-1 Continuation of Existing Laws

All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at the time this charter is adopted, not inconsistent with this charter, shall continue in full force until amended or repealed.

If provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders, or special acts or acceptances of laws, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

Section 9-2 Existing Officials and Employees

Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of such duties by another person or agency.

Section 9-3 Continuation of Government

All town offices, boards, commissions or agencies shall continue to perform the duties thereof until re-appointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.

Section 9-4 Transfer of Records and Property

All records, property and equipment whatsoever of any office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency, shall be transferred forthwith to such office, board, commission or agency.

Section 9-5**Continuation of Personnel**

Any person holding a town office, or a position in the administrative service of the town, or any person holding full-time employment under the town, shall retain such office, r position or employment and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the town shall forfeit his pay grade or time in service of the town.

Section 9-6**Incumbent Office Holders**

Upon the adoption of this charter, the incumbents serving in the office of treasurer-collector, town clerk and the incumbent assessor serving as a full-time assessor shall be subject to the town's personnel by-law and shall be granted all benefits and rights provided by said by-law. The incumbents shall be granted sick leave, vacation leave or other such leave based upon the number of years such incumbents have served in an elective office and as an employee of the town of Randolph. Such incumbents shall be entitled to and credited with retroactive sick leave at the rate of 9 days for each year of full-time service as an elected official and as an employee of the town.

Section 9-7**Effect On Obligations, Taxes, Etc.**

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter. No legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

Section 9-8**Time of Taking Effect**

This charter shall take effect such that elections for office shall be held on the first Tuesday in November beginning in the first year when no regular state election in November is scheduled following adoption of this charter and biannually thereafter, unless the date of such election would be more than 3 months after the adoption of the

charter, in which case the board of selectmen then in office shall schedule a special transition election as promptly as possible after adoption, but not later than 180 days after the adoption of the charter. The officials so elected shall take office on the first day in January that does not fall on a weekend or holiday, of the year after adoption by the voters of the town. The initial transitional term expires when the successors to those officials initially elected by the charter take office after the date of the next election to be scheduled for the first Tuesday in November beginning in the first year when no regular state election in November is scheduled.

Section 9-9 Town Manager Transition Selection Process

Forthwith following the election at which this charter is adopted, the town moderator, or if the position of town moderator is not in effect, the person to last hold the position, shall initiate proceedings whereby a screening committee shall be established to review applicants for the position of town manager. The screening committee shall consist of 9 persons, representing as nearly as possible the town demographic and occupational base.

Not more than 30 days following the election at which this charter is adopted, the 9 persons appointed as aforesaid shall meet to organize and to plan a process for the selection of the town manager.

The committee shall review and screen all applications and provide for interviews with such candidates for the position as it deems necessary.

Not more than 120 days following the date the committee meets to organize, the committee shall submit to the town council the names of not less than 3, but not more than 5 candidates for the position. Within 60 days following the date the list of nominees is submitted, the town council shall choose 1 of the nominees to be appointed to the office of town manager.

Upon the appointment of a town manager, the committee established hereunder shall be discharged.

(a) Upon the appointment of the town manager the office of executive secretary shall be abolished.

(b) Until such time as the town manager is appointed, the town council shall exercise all the powers, duties and responsibilities necessary to insure orderly operation of town government.